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**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 300**

**Deletion of a Site from the National Priorities List for  
Uncontrolled Hazardous Waste Sites**

**AGENCY:** Environmental Protection Agency

**ACTION:** Notice of Intent to Delete the AMP Site in Glen Rock,  
PA, from the National Priorities List; Request for Comments

**SUMMARY:** The Environmental Protection Agency ("EPA") announces  
its intent to delete the AMP Site ("Site"), located in Glen Rock,  
Pennsylvania, from the National Priorities List ("NPL") and  
requests public comment. The NPL, a list of sites EPA evaluates  
for priority cleanup of hazardous wastes, is found in Appendix B  
of the National Oil and Hazardous Substances Pollution  
Contingency Plan ("NCP"), 40 CFR part 300, Appendix B. EPA  
promulgated the NCP pursuant to section 105 of the Comprehensive  
Environmental Response, Compensation, and Liability Act of 1980  
("CERCLA"), 42 U.S.C. 9605.

EPA proposes this deletion under the terms of a policy  
published in the Federal Register on March 20, 1995 (60 FR  
14641). In this policy EPA announced that, consistent with NCP  
criteria for deletion of sites from the NPL, the Agency would  
delete sites if corrective action was proceeding pursuant to the  
Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901,  
et seq. EPA, in consultation with the Commonwealth of  
Pennsylvania, has determined that this deferral to RCRA  
authorities is appropriate.

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The Deletion Docket is available for inspection at the following locations and times: 1) U.S. EPA Region III, Hazardous Waste Management Division, 841 Chestnut Street, Philadelphia, PA, from 9:00 a.m. to 5:00 p.m. during Monday through Friday; 2) Martin Library, 159 East Market Street, York, PA, from 9:00 a.m. to 9:00 p.m. Monday through Thursday, from 9:00 a.m. to 5:00 p.m. on Friday, and from 9:00 a.m. to 12:00 noon on Saturdays during the summer (contact Ms. Rebecca Shives, Head of Reference).

**DATES:** Comments may be submitted on or before thirty (30) calendar days from the date of this notification.

**ADDRESS:** Comments should be mailed to Frank Vavra, Remedial Project Manager, Superfund Branch - 3HW22, 841 Chestnut Street, Philadelphia, Pennsylvania 19107.

**FOR FURTHER INFORMATION CONTACT:** For additional information on the AMP Site, contact Frank Vavra at the above address or phone 215-566-3221.

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

The Environmental Protection Agency ("EPA") Region III announces its intent to delete the AMP Site from the National Priorities List ("NPL"), 40 CFR part 300, and requests comments on this deletion. EPA will accept comments on the deletion of this Site for thirty days after publication of this notice in the Federal Register.

The NPL is a list of sites that EPA evaluates for priority cleanup under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9601, et seq. Listing of a site on the NPL does not, itself, create, alter or revoke any individual rights or obligations under CERCLA, or any other law. The NPL is designed primarily for information purposes and to assist Agency management. Sites on the NPL may be remediated using the Hazardous Substances Superfund ("Superfund" or "Fund") established by section 9507 of the Internal Revenue Code of 1986. Use of this fund for cleanup of hazardous substances is governed by section 111 of CERCLA, 42 U.S.C. 9611, and implementing regulations.

As a general matter, deletion of the AMP Site from the NPL will clarify that EPA Region III's Office of Resource Conservation and Recovery Act ("RCRA") Programs will have primary responsibility for ensuring that the hazardous wastes released at the Site are appropriately remediated. Notwithstanding any such deletion of this Site from the NPL, in the event that conditions at this Site warrant additional remedial corrective action, this Site remains eligible for Fund-financed remedial action.

Pursuant to § 300.425(e)(3) of the NCP, 40 CFR § 300.425(e)(3):  
"All releases deleted from the NPL are eligible for further Fund-financed remedial actions should future conditions warrant such action. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the [Hazard Ranking System]." Therefore, deletion of this, or any other, site from the NPL does not preclude eligibility for subsequent Fund-financed remedial action if future conditions warrant such action.

Section II of this notice summarizes the criteria for deleting sites from the NPL. Section III summarizes the procedural steps EPA takes prior to deleting a site from the NPL. Section IV discusses the AMP Site and explains how the AMP Site meets the deletion criteria.

## **II. NPL Deletion Criteria**

The National Oil and Hazardous Substances Pollution Contingency Plan ("NCP"), 40 CFR part 300, establishes the criteria the Agency uses to delete sites from the NPL. Section 300.425(e) of the NCP, 40 CFR § 300.425(e), provides that sites may be deleted from the NPL where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the appropriate state, whether the following criteria have been met:

- (i) Responsible parties or other persons have implemented

- all appropriate response actions required;
- (ii) All appropriate Fund-financed responses under CERCLA have been implemented and no further action by responsible parties is appropriate; or
  - (iii) The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

Consistent with § 300.425(e) of the NCP, 40 CFR § 300.425(e), EPA proposes deletion of the AMP Site because, as explained further below, no further CERCLA response is appropriate. This determination is based on a new policy that EPA has adopted for implementation of the NPL deletion criteria. This new policy, entitled "The National Priorities List for Uncontrolled Hazardous Waste Sites; Deletion Policy for Resource Conservation and Recovery Act Facilities", was published in the Federal Register on March 20, 1995 (60 FR 14641). This new policy sets forth the following criteria and their general application for deleting RCRA facilities from the NPL:

1. If evaluated under EPA's current RCRA/NPL deferral policy<sup>1</sup>, the site would be eligible for deferral from listing on the NPL;

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<sup>1</sup> The term "current RCRA/NPL deferral policy" refers to the policy in effect at the time the deletion decision is made. As past Federal Register notices demonstrate, the RCRA/NCP deferral policy has changed, and may continue to change based upon the Agency's continued evaluation of how best to implement the statutory authority of RCRA and CERCLA.

2. The CERCLA site is currently being addressed by RCRA corrective action authorities under an existing enforceable order or permit containing corrective action provisions;
3. Response under RCRA is progressing adequately; and
4. Deletion would not disrupt an ongoing CERCLA action.

Under this new policy, two types of sites may be eligible for deletion: 1) sites that would be eligible for deferral under current deferral criteria, but were not deferred because the deferral policy at the time of listing was different; and 2) sites that were not eligible for deferral when listed, but now may be eligible because of changed conditions at the site (e.g., the site is now in compliance with a corrective action order). For facilities within the second category, the Agency reviews the original listing rationale together with current information to ascertain whether conditions at the site have changed sufficiently to warrant deletion from the NPL.

### **III. Deletion Procedures**

Prior to deleting a site from the NPL, 40 CFR § 300.425(e) requires that EPA provide the appropriate state with thirty (30) working days to review the proposed notice of intent to delete. After providing the appropriate state authorities with such opportunity for review, EPA must next provide the public with a minimum of thirty (30) calendar days to provide comments to the appropriate EPA Region. Prior to deleting a site from the NPL,

EPA must receive concurrence from the appropriate state authorities. Additionally, EPA must respond to each significant comment and any significant new data submitted during the public comment period. A deletion occurs when the Regional Administrator places a notice of final deletion in the Federal Register. Generally, the NPL will reflect deletion in the final update following deletion. After the notice of final deletion is published, EPA is required to place the final deletion package in a local information repository. As mentioned in Section I (Introduction) of this notice, 40 CFR § 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

With respect to this notice of intent to delete, EPA has provided the Commonwealth of Pennsylvania Department of Environmental Protection ("PADEP") with a thirty (30) working day period for review and comment. PADEP has provided EPA Region III with its concurrence on this notice of intent to delete. Before making the final decision as to whether to delete the AMP Site from the NPL, EPA Region III will respond to each significant comment and any significant new data submitted during the public comment period in a Responsiveness Summary. In addition to this notice of intent to delete, EPA Region III has published a notice of availability of this notice of intent to delete in a major local newspaper and has placed copies of documents supporting this notice in an information repository at or near the AMP Site. After the public comment period has closed, copies of the

Responsiveness Summary will be made available to interested parties by the EPA Region III. In the event that EPA issues a notice of final deletion for the AMP Site, EPA Region III will place the final deletion package in the local repository.

#### **IV. Basis for Intended Site Deletion**

The following summary provides the EPA's rationale for the intention to delete the AMP Site ("Site") from the NPL.

##### **A. Site Background**

The Site, which is owned and operated by AMP, Incorporated ("AMP"), consists of approximately twenty (20) acres and is located in southern York County in central Pennsylvania, approximately five miles north of the Maryland - Pennsylvania border, in the City of Glen Rock. AMP's Materials Development Laboratory ("MDL") facility is located on the Site. The MDL facility is a combined manufacturing and research operation which has been active since the late 1950s. The facility consists of two buildings: the Materials Development Lab and the Plastics Building.

In the early 1980s, workers at the AMP facility complained about the taste of the drinking water. In 1984, AMP discovered that a backup supply well in an adjacent trailer park was contaminated with volatile organic compounds ("VOCs"). AMP



subsequently installed monitoring wells on the AMP property and had a hydrogeological assessment of the extent and concentration of contamination performed.

Results of the 1984 groundwater sampling indicated that VOCs were present in the subsurface soils and groundwater beneath parts of the MDL facility. Total VOC concentrations in the groundwater samples from Site wells ranged from 12,191 parts per billion ("ppb") to non-detectable in several monitoring wells. The two compounds which were found to exist in highest concentrations in the groundwater at the Site were 1,1,1-trichloroethane ("1,1,1-TCA") and 1,1,2-trichloroethane ("1,1,2-TCA"). Trichloroethylene ("TCE"), tetrachloroethylene ("PCE") and their decay products were detected in lesser amounts in groundwater at the Site.

EPA proposed the inclusion of the AMP Site on the NPL on June 24, 1988 (53 FR 23988). EPA listed the AMP Site on the NPL on October 4, 1989 (54 FR 41015) pursuant to section 105(a)(8)(b) of CERCLA, 42 U.S.C. § 9605(a)(8)(B). At that time, AMP was not addressing the contamination at the Site pursuant to RCRA corrective action authorities and EPA determined that the NPL listing was required to protect human health and the environment.

Pursuant to section 3008(h) of RCRA, 42 U.S.C. § 6928(h), EPA and AMP entered into an Administrative Consent Order ("ACO") on January 4, 1989. Under the terms of this ACO, AMP completed a RCRA Facility Investigation ("RFI") and a Corrective Measures Study ("CMS"). Subsequent to approving this CMS, EPA prepared a

Draft RCRA Record of Decision ("ROD"), which set forth Corrective Measure Alternative #4 ("CMA #4") as EPA's preferred corrective measure alternative for this Site. CMA #4 includes pumping and treating the groundwater, operating an infiltration trench, and monitoring groundwater and surface water at the Site.

A public notice soliciting public comment on the Draft RCRA ROD appeared in the *York Daily Record* during the week of July 30th - August 3rd, 1990, and was announced on WSBA radio in York, Pennsylvania, on August 14th and 15th. No public comments were received by EPA regarding the remedy selection. On January 22, 1991, EPA issued a final ROD<sup>2</sup> for remediation at the Site. The Regional Administrator, EPA Region III, made a final determination selecting CMA #4 as the corrective measure to be implemented by AMP.

On January 22, 1991, EPA and AMP entered into an ACO to perform Corrective Measure Implementation ("CMI") of CMA #4. Corrective action at the Site is currently being performed pursuant to this ACO. By letter dated September 10, 1991, EPA conditionally approved the Final CMI Report. The conditions of

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<sup>2</sup> PADEP has informed EPA Region III that representatives of PADEP have not reviewed, and PADEP has not concurred on, the corrective measure alternative selected by this RCRA ROD. Additionally, PADEP has requested that EPA Region III state that this RCRA ROD did not address statutory or regulatory requirements promulgated by the Commonwealth of Pennsylvania which may be applicable or relevant and appropriate to conditions present at the AMP Site at the time of the ROD's issuance. Neither RCRA statutory provisions nor the regulatory requirements promulgated pursuant to RCRA require that: 1) EPA obtain concurrence from any state representatives prior to issuing a RCRA ROD; or 2) such state promulgated requirements be considered prior to selecting a RCRA corrective measure alternative.

such approval have been satisfied and, therefore, EPA has approved this Final CMI Report. In accordance with the RCRA CMI ACO, such approval indicated EPA's determination (as of that time) that the constructed project is consistent with the design specifications and that CMA #4 is progressing towards the clean-up goals set forth in the RCRA ROD.

In accordance with the Final CMI Report, eight recovery wells are used on the Site to pump and treat groundwater containing VOCs. The captured groundwater is treated by passing it through a series of two air stripping towers. Air emission control devices have been installed on the air stripping towers. The treated water is discharged to a small pond to the southeast of the Site known as Larkin Pond. Groundwater samples and one surface water sample are being collected on and off-site on a quarterly basis.

In accordance with section VI.C. of the RCRA CMI ACO, AMP is required to submit a Draft Corrective Measure Two Year Assessment Report every two years beginning two years from the effective date of the ACO. The report submitted in January 1995 reflects that final groundwater remediation goals, as set forth in the RCRA ROD, have not yet been met, but progress towards such goal has been attained. Implementation of the approved CMA will continue as planned until the VOC concentrations in the subsurface are in compliance with the clean-up criteria set forth in the RCRA ROD.

Additional details on the corrective actions being implemented under RCRA are available in the Superfund Closeout Report issued on December 14, 1995, the Administrative Record for this Site deletion, and in the RCRA Administrative Record for the AMP Record of Decision.

*B. Documentation that the AMP Site Meets RCRA Deferral Criteria Set Forth in EPA's March 20, 1995 Policy*

1. If evaluated under EPA's current RCRA/NPL deferral policy, the Site would be eligible for deferral from listing on the NPL.

At the time of the NPL listing, the Site posed a threat to human health and the environment that was not being addressed under either CERCLA or RCRA corrective action authorities. At that time, EPA determined that the most expeditious way to address the contamination at the Site was through the use of CERCLA authorities. Since that determination, AMP has entered into a RCRA RFI/CMS ACO and a RCRA CMI ACO and has been addressing all of the contamination at the Site pursuant to section 3008(h) of RCRA. AMP fulfilled the conditions of the RCRA RFI/CMS ACO and is currently in compliance with the RCRA CMI ACO. Consequently, if this Site were evaluated for NPL listing under the current conditions, the Site would qualify for deferral to RCRA.

2. The CERCLA Site is currently being addressed by RCRA corrective action authorities under an existing enforceable order or permit containing corrective action provisions.

As described previously, EPA and AMP entered into a RCRA RFI/CMS ACO, pursuant to section 3008(h) of RCRA, on January 4, 1989. Under the terms of that ACO, AMP was required to complete an on-site and off-site investigation of the nature and extent of the release of hazardous wastes from the Site and to conduct a study to evaluate various cleanup alternatives. AMP subsequently fulfilled the conditions of this ACO.

As also described previously, EPA and AMP entered into a RCRA CMI ACO, pursuant to section 3008(h) of RCRA, on January 22, 1991. This RCRA CMI ACO required AMP to implement the selected corrective action remedy set forth in EPA's ROD as CMA #4. In September 1991, pursuant to the 1991 RCRA CMI ACO, EPA approved the Final CMI Report. AMP is continuing to implement the selected remedy, which includes pumping and treating groundwater, operating an infiltration trench, and monitoring groundwater and surface water. The 1991 RCRA CMI ACO will remain in effect until such time when EPA determines that the terms of this order have been satisfied. AMP has been in compliance with the RCRA CMI ACO. All known groundwater contamination is being addressed through EPA's exercise of its corrective action authorities pursuant to RCRA.

3. Response under RCRA is progressing adequately.

Corrective action is progressing satisfactorily under the RCRA CMI ACO, as described above. There has been no history of protracted negotiations due to lack of cooperation. See 60 FR 14642, 14643 (March 20, 1995).

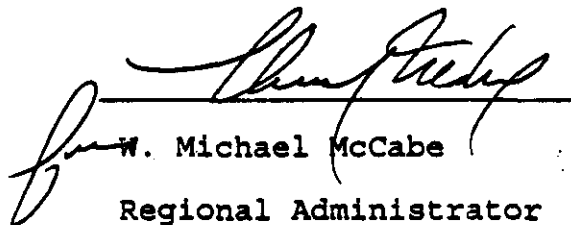
4. Deletion would not disrupt an ongoing CERCLA action.

Other than completing a CERCLA Site Assessment and listing the Site on the NPL, no response action has taken place pursuant to CERCLA. Based upon the continued compliance with the RCRA CMI ACO, no CERCLA action is planned for the future.

EPA has received the following concurrence from PADEP: "The Commonwealth of Pennsylvania concurs in the decision to delete the site from the NPL, but reserves all of its rights, abilities and authorities to address contamination at the site and to pursue responsible parties regarding this contamination."

EPA concludes that this Site meets the criteria under the new NPL deletion policy and announces its intention to delete the Site from the NPL.

July 9, 1996  
Date

  
W. Michael McCabe  
Regional Administrator  
U.S. EPA Region III